THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14902 of 2007

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to I.D.No.38 of 2004 dated 27.7.2005 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar district and quash the same as arbitrary and illegal.

It appears, the dispute raised by the petitioner-workman was referred to the Industrial Tribunal for the purpose of adjudication under Section 10(1) of the Industrial Disputes Act, 1947. It appears, when the matter was called, there was no representation on behalf of the workman, therefore, the I.D. was closed on 27.7.2005. Aggrieved by the same, the present writ petition is filed.

It is the primary duty of the Labour Court to first call for the claim statement of the workman and thereafter decide the matter on merits as per the records available, but it cannot dismiss the I.D. on the ground petitioner was absent. The impugned order of the Labour Court does not stand to scrutiny of law, therefore, the same is liable to be set aside and accordingly set aside and the matter is remitted back to the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar district. The Labour Court shall take up the matter and dispose of the same on merits after putting the parties on notice, within a period of six months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 13.7.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14902 of 2007

13.7.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14902 of 2007

Date: 13th July, 2007

Between:

S.Laxman

.. Petitioner

And

The Depot Manager,
APSRTC, Jagityal Depot, Karimnagar district
and another.

.. Respondents